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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,929	08/20/2003	Paul I. Kahn	0311-01	8232

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EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/645,929

Applicant(s)

KAHN, PAUL I.

Examiner

Y Quach Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-27 and 30 is/are rejected.
- 7) ☒ Claim(s) 1-13, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

***DETAILED ACTION***

***Specification***

1. The disclosure is objected to because of the following informalities: On page 4, paragraph 0021, line 4, the term “the light 60” is incorrect and should be changed to --the light housing 60-- in view of lines 3 and 7 of the same paragraph. Page 6, paragraph 28, line 1, the language “may include be a indexed” is improper. Page 6, paragraph 0030, line 4, the reference numeral “90” is incorrect and should be changed to --92-- in view of line 1 of the same paragraph and the drawings. Appropriate correction is required.

***Claim Objections***

2. Claims 1 to 13 and 18 are objected to because of the following formalities: In claim 1, there is no clear antecedent basis for “the other elements”. In claim 1, line 6, after “the chair”, --and for mounting the battery housing to the chair” should be inserted to clearly describe the relationship between the mounting structure, the battery housing and the chair. In claim 1, line 12, after “for mounting”, --the support-- should be inserted. In claim 7, the letter “a” should be changed to --an-- in view of the following term “alligator”. In claim 18, the letter “a” should be changed to --the-- in view of the term “the battery” on lines 4 to 5 of claim 14. Claims 2 to 6 and 8 to 13 depend on objected claim 1 and as such are also objected. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. Claims 15 to 17 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 15 and 16, it is not clear how can the light housing be positionable with respect to the chair by simply having the support mounted to the chair? The element performing the function “positionable” has not been established.

In claims 17 and 30, it is not clear how can the switch housing be positionable with respect to the chair? The element performing the function “positionable” has not been established.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19, 20 and 22 to 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Schocket.

Schocket shows a light housing (figure 1, the housing containing the light 28), a support (24) on which the light housing is disposed and being mounted to a chair such that the light housing is elevated above the chair, a switch housing (figure 1, the housing including the switch 20) being operatively connected to the light housing such that the switch housing is spatially separated the light housing, the switch housing operatively connected to the light housing such that the switch housing is easily accessible for a person sitting in the chair, a power supply including a battery housing for holding a battery (38) and having terminals for connecting to the battery, the power supply operatively connected to the light housing and the switch housing such that the power supply is spatially separated from the light housing and the switch housing, and the battery housing disposed at a rear of the chair (back of the chair).

6. Claims 19 and 22 to 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Littell.

Littell discloses a light housing (26), a support (28) on which the light housing is disposed and being mounted to a chair (12) such that the light housing is elevated above the chair, a switch housing having a switch (the wall switch) operatively connected to the light housing such that the switch housing is spatially separated the light housing, a power supply (the wall outlet) operatively connected to the light housing and the switch housing such that the power supply is spatially separated from the light housing and the switch housing.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14 to 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schocket in view of Irminger.

Schocket discloses a chair having a back, a battery housing (38) for holding a battery having terminals for connecting to the battery and mounted to the chair, a support (26) having a light housing (figure 1, the housing containing the light 28) in electrical communication with the terminals, the support mounted to the chair such that the light housing is elevated above the chair and positionable with respect to the chair, a switch housing (figure 1) including a switch (20) in electrical communication with the terminals and the light and spatially separated from the battery housing and the light housing and being easily accessible for a person sitting in the chair. However, Schocket does not disclose a plurality of lights, and a plurality of switches for respectively and selectively actuating the lights.

Irminger teaches a plurality of lights (32, 33), and a plurality of switches (35, 36) for respectively and selectively actuating the lights.

It would have been obvious to one skilled in the art to provide the light housing and the switch housing of Schocket with a plurality of lights and a plurality of switches, as shown by Irminger, such that the light intensity can be increased and/or adjusted by selectively actuating the lights through different switches. Note that the position of the battery housing would have been an obvious matter of design choice which provides no unusual, unobvious, and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to place the battery housing at any location including at a lower rear portion of the back of the chair to facilitate the access of the battery housing.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schocket in view of Irminger, as applied to claim 14 above, and further in view of Scheer et al.

Schocket, as modified by Irminger, discloses the invention substantially as claimed with the exception of having the switch housing positionable with respect to the chair.

Scheer et al. teach a switch housing (1) which can be mounted at any desired point of the chair to facilitate the access of the switch housing.

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It would have been obvious to one skilled in the art to mount the switch housing at any desired point of the chair of Schocket, as shown by Scheer et al., so that the switch housing is positionable with respect to the chair to facilitate the access of the switch housing.

10. Claims 19, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sefsik et al. in view of Wenegrat.

Sefsik et al. disclose a light housing (figure 1), a support (22) on which the light housing is disposed and being mounted to a chair (10) such that the light housing is elevated above the chair, a switch housing having a switch which would inherently operatively connected to the light housing, a power supply operatively connected to the light housing and the switch housing. However, Sefsik et al. does not disclose the location of the switch housing such that the switch housing is easily accessible for a person sitting in the chair.

Wenegrat teaches a switch housing (24) located at one of the arms of the chair such that the switch housing is easily accessible for a person sitting in the chair.

It would have been obvious to one skilled in the art to locate the switch housing of Sefsik et al. at one of the arms of the chair, as shown by Wenegrat, such that the switch housing is easily accessible for a person sitting in the chair.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schocket in view of Irminger.

Schocket discloses the invention substantially as claimed with the exception of having a plurality of lights, and a plurality of switches for respectively and selectively actuating the lights.

Irminger teaches a plurality of lights (32, 33), and a plurality of switches (35, 36) for respectively and selectively actuating the lights.

It would have been obvious to one skilled in the art to provide the light housing and the switch housing of Schocket with a plurality of lights and a plurality of switches, as shown by Irminger, such that the light intensity can be increased and/or adjusted by selectively actuating the lights through different switches.

12. Claim 25 to 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littell.

Littell discloses the invention substantially as claimed with the exception of having the power supply including a battery housing for holding a battery and having terminals for

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connecting the battery.

It is known that battery such as DC power supply, AC power supply and rechargeable battery power supply are interchangeable and can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the battery housing having the battery in place of the power supply of Littell so that the light chair can be positioned and used in any place as desired. Note that the position of the power supply would have been an obvious matter of design choice which provides no unusual, unobvious, and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to place the power supply at any location including at a rear or below the seat of the chair to facilitate the access of the power supply.

13. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schocket in view of Scheer et al.

Schocket discloses the invention substantially as claimed with the exception of having the switch housing positionable with respect to the light housing.

Scheer et al. teach a switch housing (1) which can be mounted at any desired point of the chair to facilitate the access of the switch housing.

It would have been obvious to one skilled in the art to mount the switch housing at any desired point of the chair of Schocket, as shown by Scheer et al., so that the switch housing is positionable with respect to the light housing to facilitate the access of the switch housing.

14. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littell in view of Scheer et al.

Littell discloses the invention substantially as claimed with the exception of having the switch housing positionable with respect to the light housing.

Scheer et al. teach a switch housing (1) which can be mounted at any desired point of the chair to facilitate the access of the switch housing.

It would have been obvious to one skilled in the art to mount the switch housing at any desired point of the chair of Littell, as shown by Scheer et al., so that the switch housing is positionable with respect to the light housing to facilitate the access of the switch housing.

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15. Claims 1 to 13 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

16. Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watkins and Maguire et al. are cited to show other pertinent light chair and indicia display apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.  
July 1, 2004



Y Quach Lee  
Patent Examiner  
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